



ATTORNEY DOCKET NO. 05015.0366U4
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Buchanan *et al.*)
Serial No.: 10/675,900)
Date Filed: September 30, 2003)
For: ACYLATED CYCLODEXTRIN:)
GUEST MOLECULE INCLUSION)
COMPLEXES)

Group Art Unit: 1623
Examiner: Maier, Leigh C.
Confirmation No.: 6139

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer No. 23859

April 27, 2006

Sir:

Transmittal herewith is/are the following in the above-identified application:

<input type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Response to Restriction Requirement
<input type="checkbox"/> Petition to Extend Time	<input type="checkbox"/> Fee as calculated below
<input type="checkbox"/> Supplemental Declaration	<input checked="" type="checkbox"/> No Additional Fee Required
<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Corrected Drawings

CLAIMS AS AMENDED BY A LARGE ENTITY						
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	56	minus	59	= 0	x \$9.00/18.00	\$0.00
Independent Claims	3	minus	3	= 0	x \$40.00/80.00	\$0.00
<input type="checkbox"/> First Presentation of a Multiple Dependent Claim					+ \$135.00/270.00	N/A
EXTENSION FEE	1 st Month \$55/110 []	2 nd Month \$215/430 []	3 rd Month \$490/980 []	4 th Month \$765/1530 []		\$0.00
TOTAL FEE DUE						\$0.00

Application No. 10/675,900
Docket No. 05015.0366U4
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No fee is believed due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,



Christopher L. Curfman, JD, PhD
Registration No. 52,787

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Certificate of Mailing Under 37 C.F.R. § 1.8	
I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, at P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below	
	April 27, 2006
Christopher L. Curfman	Date



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In re Application of)	
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Buchanan <i>et al.</i>)	Art Unit: 1623
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For: ACYLATED CYCLODEXTRIN: GUEST)	
MOLECULE INCLUSION COMPLEXES)	

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

April 27, 2006

Sir:

In the Office Action dated March 28, 2006, the Examiner has restricted the application and has required an election of one of following two groups.

- I. Claims 1-22 and 26-59, drawn to a composition comprising an inclusion complex (acylated cyclodextrin and guest molecule) and a polymer, classified in class 424, subclass 400+; and
- II. Claims 23-25, drawn to process for preparing composition comprising an inclusion complex (acylated cyclodextrin and guest molecule) and a polymer, classified in class 523, subclass 1+.

As required in response to this Action, Applicants provisionally elect Group I, Claims 1-22 and 26-59, with traverse.

Applicants respectfully request that the restriction requirement be reconsidered. For a restriction requirement to be proper, the Examiner must satisfy the following two criteria: (1) the existence of independent and distinct inventions (35 U.S.C. § 121); and (2) that the search and examination of the entire application cannot be made without *serious burden* on the Examiner. M.P.E.P. § 803 provides:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. (*Emphasis added.*)

Applicants respectfully submit that the Examiner has not shown that the second requirement has been met. Specifically, there has been no showing that it would be a *serious burden* to search and examine the four groups together.

For the reasons stated above, Applicants respectfully assert that restriction of the claims as set forth by the Examiner would be contrary to promoting efficiency, economy and expediency in the Patent Office and further point out that restriction by the Examiner is discretionary (M.P.E.P. § 803.01). Examining all of the claims together would eliminate the necessity of prosecuting multiple, separate, yet intimately related applications. Thus, Applicants respectfully request that all of the claims of this application be examined together. Consequently, reconsideration and modification or withdrawal of the restriction requirement is requested.


Applicants also wish to remind the Examiner of the guidelines for rejoinder of claims as set forth in M.P.E.P. § 821.04, as they apply to the pending claims of the instant application.

CONCLUSION

Applicants provisionally elect Group I, claims 1-22 and 26-59, with traverse. Claims 1-59 are pending.

No fee is believed to due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,
NEEDLE & ROSENBERG, P.C.

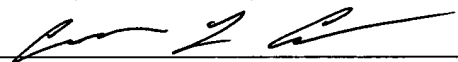


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CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this correspondence and the documents mentioned therein are being deposited with the United States Postal Service in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450, on the date indicated below



Christopher L. Curfman, JD, PhD

April 27, 2006

Date